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Filing date: **12/17/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212424
Party	Plaintiff Insight Pharmaceuticals, LLC
Correspondence Address	ADAM C SANDERS BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ PC 633 CHESTNUT ST, 1800 REPUBLIC CENTRE CHATTANOOGA, TN 37450 UNITED STATES asanders@bakerdonelson.com
Submission	Other Motions/Papers
Filer's Name	Adam C. Sanders
Filer's e-mail	asanders@bakerdonelson.com, mjohnson@bakerdonelson.com
Signature	/Adam C. Sanders/
Date	12/17/2015
Attachments	Notice re Withdrawal.pdf(84330 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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INSIGHT PHARMACEUTICALS LLC,	)	
	)	
Opposer,	)	Opposition No.: 91212424
	)	
v.	)	Serial No. 85/883894
	)	
GROWSTONE, INC.,	)	
	)	
Applicant.	)	

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**STATEMENT RE WITHDRAWAL OF OPPOSITION**

On November 1, 2015, Opposer filed a Withdrawal of Opposition, pursuant to the parties' settlement agreement signed August 15, 2014. On December 3, 2015, The Board entered notice stating that Opposer's withdrawal of Opposition had been noted, but that there is no record of Applicant having filed an abandonment of its application. The Notice further gave Applicant thirty days to "file a proper abandonment of its application, failing which Opposer's withdrawal will be processed without the Board holding Applicant's application abandoned."

Opposer's counsel has communicated with Applicant's counsel, and Applicant's counsel informs him that she has tried to abandon the Application, but USPTO's System will not allow abandonment of the Application while this Opposition is still pending. In other words, it appears it is impossible for Applicant to "file a proper abandonment of its application" until this Withdrawal of Opposition is fully processed.

Accordingly, to facilitate an abandonment of the Application, Opposer's counsel has agreed with Applicant's counsel to allow this Opposition to be fully withdrawn *even before the*

*Application has been abandoned*, with the understanding and commitment from Applicant that as soon as the Opposition is fully withdrawn, Applicant will proceed to abandon the Application.

Opposer files this notice to apprise the Board of the situation and why its withdrawal of Opposition is preceding abandonment of Application, and to reserve any rights it may have to re-file an Opposition should the abandonment of Application not occur for any reason.

Respectfully submitted this 17th day of December, 2015.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By:           /s/ Adam C. Sanders            
Adam C. Sanders  
633 Chestnut Street, Suite 1800  
Chattanooga, TN 37450  
(423) 209-4131  
[asanders@bakerdonelson.com](mailto:asanders@bakerdonelson.com)  
Attorney for Opposer

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I hereby certify that the foregoing STATEMENT RE WITHDRAWAL OF OPPOSITION was e-mailed and deposited on December 17, 2015 with the U.S. Postal Service as first-class mail, postage prepaid, in an envelope addressed to counsel for Applicant addressed as follows:

Amy A. Rollins  
Brannon Sowers & Cracraft, PC  
1 North Pennsylvania Street, Suite 800  
Indianapolis, IN 46204

This 17th day of December, 2015.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By: /s/ Adam C. Sanders